

**FREDERICK COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
CONSTITUTION AND BY-LAWS**

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Article I Name and Authorization

Section 1

The official name of the organization shall be the "Frederick County Local Emergency Planning Committee" (LEPC).

Section 2

The LEPC has been established pursuant to the 'Emergency Planning and Community Right-To-Know Act of 1986' (EPCRA) [42 U.S.C Sec. 11001 (c)] and the State of Maryland's implementation program to comply with EPCRA's requirements. The LEPC shall have all the power and duties conferred upon it by said law or related State regulations or procedures as may from time to time be amended.

The principal duty of the LEPC shall be to evaluate the Hazardous Materials Emergency Response Plan for Frederick County and to review such plan annually. This plan shall contain, as a minimum, all the elements set forth in EPCRA for such plan. Exercises shall be periodically held to test the plan.

Section 3

The members of the LEPC are appointed by the State Emergency Response Commission (SERC) upon the recommendation of the Board of County Commissioners and pursuant to EPCRA may include the following:

- A. A Frederick County Commissioner or designated representatives
- B. A Mayor or Town Manager from the City of Frederick and the City of Brunswick, the towns of Burkittsville, Emmitsburg, Myersville, Middletown, Mt. Airy, New Market, Rosemont, Thurmont, Walkersville, and Woodsboro, or their designated representatives, and representatives of the Fire and Police Departments
- C. Frederick County Fire and Rescue Services
- D. The Office of the Sheriff, and the Maryland State Police
- E. The Frederick County Division of Emergency Management
- F. The Frederick County Health Department
- G. Frederick Memorial Hospital
- H. Veterinarians
- I. The Medical Community
- J. The State Highway Administration

- K. The Frederick County Division of Public Works
- L. Industry (Chemical and Transport),
- M. Community Groups,
- N. Radio, Television and Print Media,
- O. And other Federal partners/ entities, including Fort Detrick.

Interested persons may petition the Board of County Commissioners or SERC to modify the membership of the LEPC.

Section 4

The LEPC shall, in addition:

- A. Receive and process requests for information from the public
- B. Notify the public of all LEPC meetings or activities.
- C. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportations risks, the LEPC will perform a hazard analysis.
- D. Establish and maintain a database of hazardous chemical locations and quantities in the district.
- E. Establish and maintain a computerized system of data management
- F. Maintain information on ALL facilities which manufacture or store environmental health and safety hazards and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public, that all meetings, including sub-committee and ad hoc committee meetings, are open to the public.

The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission (SERC), or the Board of County Commissioners.

The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose of the Community Right-To-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored and/or transported within the Planning District. Transportation hazards analysis will include those risks to the community from commercial transportation by rail, highway, aircraft, and waters of commerce.

Article II Officers and Duties

Section 1

The officers of the LEPC shall consist of a Chair, Vice Chair, Community Emergency Coordinator, Public Information Officer, and Secretary. Said officers shall serve a term of two (2) years. Nominations for officers will be held at the December meeting. Election of officer will take place at the January meeting. There is nothing to prohibit the same officer from serving consecutive terms.

Section 2

The powers and duties of the Chair shall be to preside at meetings of the LEPC, appoint such standing or ad hoc subcommittees as shall be needed to conduct the business of the LEPC, serve as the (nonexclusive) spokesperson for the LEPC, act as the coordinating officials with the SERC, and have such other powers and duties as are customary for the presiding officer on similar committees and boards.

Section 3

The powers and duties of the Vice Chair shall be to preside over meetings of the LEPC in the absence of the Chair, and to carry out such other duties as may be directed by the Chair.

Section 4

The Community Emergency Coordinator or designee shall coordinate LEPC activities with all involved parties including government agencies, business and industry, and voluntary organizations in hazardous materials planning. Emergency notifications to the Community Emergency Coordinator as required in 42 U.S.C Section 11004 (b) (1) are to be made to Frederick County, MD 9-1-1

Section 5

The Public Information Officer shall prepare and distribute information to the public and broadcast and print media on LEPC activities and news, and provide public notice of the availability of plans and other information.

Section 6

The Secretary shall keep a written record of all business transacted by the Board, give notice to all members of all meetings, keep on file all official records of the committee, certify all records and reports of the LEPC, and serve notice of all hearings and public meetings.

Section 7

The LEPC Chair or designee, together with the Secretary, shall sign all official documents of the LEPC in accordance with law and these by-laws.

Article III: Mission Statement/Goals

To provide guidance to business facilities in Frederick County that manufacture, store, or use hazardous materials, on the proper reporting practices; review current hazardous materials operations plans; inform and educate the public about chemical facilities in the community and actions that can be taken in the event of an accidental hazardous materials incident; support the fixed-facility pre-planning process; and enhance the emergency preparedness capabilities of governmental and emergency response agencies associated with hazardous materials incidents that may occur in Frederick County.

LEPC Goals:

- A. Development, training, and testing of the *Hazardous Materials Response Guidelines* for Frederick County through the sponsorship of an annual functional exercise.
- B. Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA and applicable State of Maryland regulations and procedures.
- C. Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of EPCRA and applicable State of Maryland regulations and procedures..
- D. Provision for an annual notice of public availability of a *Hazardous Materials Response Guidelines*, material safety data sheets, and tier I and II inventory reports as submitted by facilities subject to this law.
- E. Provision for public notification of committee activities, public comments, response to such comments by the committee, and the distribution of the *Hazardous Materials Response Guidelines*.

Article IV: Committees

Section 1

Executive Committee: The Executive Committee will consist of Chair, Vice-Chair, Secretary-Treasurer, and chairs of the four Standing Committees as described in Section 2. The Public Information Officer shall serve as a non-voting member of

this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

Section 2

Standing Committees: The following Standing Committees shall be established:

- A. Right to Know Committee – This Committee shall be responsible for formulation of all policies and procedures concerning the public's Right-To-Know program; the formulation of all chemical release reporting procedures, the establishment of trade secret protection procedures, and the formulation of all record keeping and information dissemination procedures for the LEPC.
- B. Public Education and Information Committee – This committee shall be responsible for reviewing the public alert and notification program with respect to hazardous materials information; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.
- C. Hazardous Materials Facilities Liaison Committee – This committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response Committee and Resources Committee and with affected facilities to review and help test the hazardous substance emergency response plans for facilities within the County as required by law.
- D. Emergency Response and Resources Committee – This committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations who serve Frederick County to review and test the County's hazardous substance emergency response plan as required by law. This Committee shall review existing federal, state, local, and facility plans for the purpose of coordination with the LEPC planning process.

Section 3

Ad-Hoc Committees: The Chair may appoint Ad Hoc Committees as necessary to perform the functions of the LEPC. The Chairperson of the LEPC shall appoint chairs of Ad Hoc Committees.

Section 4

Chair of the Standing Committees: The Chair of the Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote.

Section 5

Membership in Standing Committees: All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Standing Committees shall be determined by the Chair after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6

Meetings: The Chair of the LEPC may call Meetings of the Standing and Ad Hoc Committees or the Chair of the Committee as deemed necessary. All meetings are open to the public.

Article V: Meetings

Section 1

The LEPC will meet monthly or as it otherwise determines. To be excused from a scheduled meeting, the member in question shall contact, prior to the conduct of the meeting, the Chair or designee. The Chair shall have the authority to call a special meeting of the LEPC if the Chair determines that a need exists that it is essential for such meeting.

A meeting agenda will be promulgated for each meeting, and will generally consist of:

- Call to order
- Approval of minutes/summary of previous meeting
- Standing committee reports
- Old business
- New business
- Program (if any)
- Adjournment

A. Regular Meetings

A minimum of ten (10) days notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made, if possible.

B. Special Meetings

The LEPC Chair shall have the authority to call a special meeting of the LEPC, if the Chair determines that a need exists that is essential for such a meeting. Minutes of the meeting will be taken and maintained with the official LEPC records.

Section 2

A minimum of eight (8) official members of the LEPC present shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings.

Section 3

The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the members present at a meeting. No motion, resolution, or other parliamentary instrument shall prevail unless it receives a majority of the votes of the members at a meeting.

Section 4

The LEPC shall be deemed to be a "Public Body" of Frederick County, within the meaning of the Maryland State Open Meetings Law and Public Information Act, except as applicable federal law may supersede those statutes.

Section 5

The public is encouraged to participate in the work of the LEPC by attendance at meetings and, when in order, by addressing the LEPC.

Section 6

The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the Maryland State Open Meetings Law, specifically by advance notice given to the local public media by the Secretary of the LEPC. Each year the LEPC shall review the Hazardous Materials Emergency Response Plan and shall make its proposed revisions available for public examination.

The LEPC has thirty (30) days to make the proposed revisions available to the public. LEPC shall give notice of the conduct of at least one meeting in which members of the public shall be invited to discuss the revision to the Hazardous Materials Emergency Response Plan prepared by the LEPC. Also, the public will be given the opportunity for written comment to the LEPC.

Section 7

After the public meeting(s) and the opportunity for public comment on the proposed revisions to the plan, the LEPC shall respond to comments, revise the plan (if necessary), and then distribute it.

Article VI: Funding and Expenditures

Section 1

All funds, including grants and gifts, received on behalf of the LEPC, shall be handled per the Purchasing, Grant and other applicable regulations of Frederick County, Maryland.

Section 2

The LEPC shall be responsible for making applications to the SERC, and others, for grants, which are available to the LEPC.

Section 3

The LEPC must adhere to the fiscal, accounting and operating procedures of Frederick County, Maryland.

Section 4

No member of the LEPC may enter into any contract or other agreement involving the expenditures of funds without the prior written approval of the Board of County Commissioners.

Article VII: Correspondence and Communications

Section 1

All official communications of the LEPC shall be carried out by the Chair or under his/her direction.

Section 2

All questions from the public relating to the activities of the LEPC, or any public dissemination of news of LEPC activities, shall be through the Chair of the LEPC.

Section 3

The LEPC shall conduct a Community Right-to-Know Program as required by Sections 301, 312, and 324 of EPCRA.

Article VIII: General Information

- A. Roberts Rules of Order, newly revised, shall be the parliamentary authority for all matters of procedure not specifically covered by these rules and procedures.

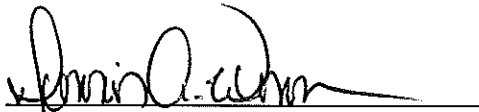
B. Review of the Hazardous Materials Emergency Response Plan will be made after the reception of a written request.

C. The Coordinator of Information is the LEPC Secretary.

Article IX: Amendments

All rules and procedures of the LEPC may be amended by a majority vote of members present at a duly called meeting when a quorum is present, provided that notice of such proposed changes shall be circulated to all members at least thirty (30) days in advance of said meeting.

**THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE
FREDERICK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
(LEPC), ADOPTED AT THE REGULAR MEETING OF THE LEPC. ON
THIS 16 DAY OF December, 2008.**



**Dennis A. Wenner
Chairman, LEPC**



**Jan H. Gardner, President
Frederick County Board of
County Commissioners**

12/16/08

Date

12/16/08

Date

MSC
12/16/08

Approved as to form:

MSC

**Michael J. Chomel
Assistant County Attorney**

12/16/08

Date